



Transport Policy Statements for Learners Aged 16-19 2007/08

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Guidance

National Assembly for Wales Circular No: 05/2007

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Transport Policy Statements for Learners Aged 16-19 2007/08

Audience Local Education Authorities (LEAs); Further Education Institutions (FEIs); schools with sixth forms; Higher Education Institutions (HEIs) offering FE provision; providers of Work-Based Learning, including employers with trainees who have to travel for training or study; and 14-19 Networks.

It has also been sent to Transport Authorities for reference, and to Young People's Partnerships (YPPs), Careers Wales Companies, Regional Transport Consortia and Diocesan Authorities, for information.

Overview This document provides guidance on the requirements upon LEAs and their partners in relation to statements of the provision of support for transport from home or place of employment to place of education or training for learners aged 16-19, and those completing courses started prior to their 19th birthday.

Action required This document gives advice on how LEAs and their partners should interpret their duties in respect of the preparation of transport policy statements for academic year 2007/ 08, as required under Section 509AA of the Education Act 1996 (as amended). This statement must be prepared and in place by 31st May 2007. LEAs are requested to submit copies of their statement to the relevant Welsh Assembly Government office as indicated below by 31May 2007.

Further information Our regionally based Learning Network Development teams should be your first point of contact for queries about this circular as follows:

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Additional copies

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Or from the Assembly's website: www.learning.wales.gsi.gov.uk

Related documents

Education Act 2002
The Learning and Skills Act 2000
Education Act 1996
Disability Discrimination Act 1995
The SEN Code of Practice for Wales



Contents

	Page
What is this circular about?	3
Legislative Background and Requirements	3-4
Associated Legislative and Funding Matters	4-5
Preparation of Transport Policy Statements	5-7
Further Considerations for Learners with SEN	7-8
Publication of Transport Policy Statements	8
Partnership working	8-10
Local Transport Plans	10
Compliance	11
Timetable	11
Further Information	11

Annexes

Annex 1 - Checklist

Annex 2 - Good Practice Guide

Summary

This guidance relates to the duty of LEAs and their partners to produce and publish statements of the provision of support for transport from home or place of employment to place of education or training for learners aged 16-19, and for those completing courses started prior to their 19th birthday. It replaces the guidance issued for 2006/07 (Circular No. 04/06).

This guidance sets out:

- the requirement for LEAs to take account of the needs of those who access post-16 education or training;
- the role of LEAs in the production and publication of transport statements;
- the manner and timing of publication;
- the role of 14-19 Networks and partners in the production of transport statements;
- the duty of school and college governing bodies to co-operate with LEAs and provide them with such information as they might reasonably require; and
- the content of the transport statement.

LEAs have a responsibility to ensure that:

- the policy statement is compliant with legislation; and
- the policy statement is set out clearly, is user friendly, and avoids unnecessary 'official language'.

LEAs are requested to submit two copies of their transport policy statement to the relevant DELLS Regional office contact as listed at the front of this guidance circular by 31 May 2007. One copy should be in electronic format the other in hard copy format. In addition exemplar copies of application forms for transport provision should be appended to the Transport Policy Statement.

What is this circular about?

1. This circular provides guidance on the legal requirements placed upon LEAs, and their partners, regarding the production and publication of statements of the provision of support for transport from home, or place of employment, to place of education or training, for learners aged 16-19 in FEIs, school sixth forms, and work-based learning, and for learners completing courses started prior to their 19th birthday. The circular advises how LEAs and their partners should interpret their duties.

Legislative Background and Requirements

2. The Education Act 2002 has placed a requirement on LEA-led partnerships to produce transport policy statements and publish them in a manner which they consider appropriate. These duties have applied since 1 September 2003 when Section 199 of and Schedule 19 to the Education Act 2002, which inserted sections 509AA, 509AB and 509AC into the Education Act 1996, were commenced in respect of Wales. Section 509AB (5) of the Education Act 1996 requires that LEAs shall have regard to this guidance.

3. LEAs must publish transport policy statements for the coming academic year by 31 May, in consultation with their partners.

4. LEAs are required to specify the arrangements that they consider necessary to make for the provision of transport, and support for transport, for learners in this age group, so that young people can see what transport support and services are available in their area. They also have a duty, by virtue of Section 509AA(7) of the Act, to make and secure that effect is given to, such arrangements as are specified in the statements. Section 509AB(2) of the Act requires that arrangements should be as favourable for learners receiving full-time education or training in establishments other than LEA-maintained schools as they are for pupils of the same age at such schools.

5. Local authorities will be aware that the Education and Inspections Act 2006 grants the National Assembly for Wales a measure making power for learner travel. The Assembly Government is likely to propose new Welsh laws for learner travel after the May 2007 Assembly election. The shape of these proposals and when they might be introduced to the Assembly legislature has not been

decided. However, a future government might wish to propose laws which replace the current education laws for transport for 16-19 year olds. Until that is decided, the Assembly Government intends to issue annual guidance for 16-19 transport policy statements on the basis of the current law. Proposals for new laws are likely to be subject to separate consultation and are not included in this guidance.

Associated Legislative and Funding Matters

6. LEA transport provisions supplement existing sources of support for learners in training and education settings. Under section 509 (1) of the Education Act 1996, LEAs have a statutory obligation to provide free transportation for pupils of compulsory school age (5-16). However as a discretionary arrangement most LEAs also make free transport provision for sixth-form students. By virtue of section 34 of the Learning and Skills Act 2000, Welsh Assembly Government is empowered to provide financial resources to, amongst others, persons providing or proposing to provide post-16 education or training, or goods or services in connection with such education or training, and also to persons receiving or proposing to receive such education or training. In respect of FE, FE Colleges can, at their discretion, provide Financial Contingency Funds (FCFs) to assist learners with travel. In work-based learning settings, the Welsh Assembly Government may provide funding to support the travel costs of those undertaking work-based learning who are not employed. FE College governing bodies and work-based learning providers may, at their discretion use some of their resources to provide transport or support for transport for their learners.

7. LEAs will be aware that as of 1 April 2006 the powers formerly operated by the National Council for Education and Training for Wales (ELWa), transferred to the Welsh Assembly Government. The Department for Education, Lifelong Learning and Skills (DELLS) now exercises these functions and continues to operate ELWa's policies and practices in respect of planning and funding post-16 learning provision during 2007-08.

8. DELLS' funding for securing post-16 provision in schools, does not include an element for transport. Funding for transport provision remains within LEAs' revenue support grants. LEAs should therefore not regard FCFs, or other monies or support provided

by the Welsh Assembly Government's Department of Education, Lifelong Learning and Skills, FE Institutions, or other persons, as a substitute for any resources LEAs retained after the transfer of responsibility for funding post-16 provision in schools to ELW in 2002 and subsequently on to DELLS in 2006.

9. Learners 16 or 17 years of age will also wish to be aware of their right to time off to study or train, in accordance with Section 63A of the Employment Rights Act 1996 and The Right to Time Off for Study or Training Regulations 2001 (Statutory Instrument 2001 No. 2801). A copy of the Regulations can be accessed at www.legislation.hmso.gov.uk/si/si2001/20012801.htm.

Preparation of Transport Policy Statements

10. Transport Policy Statements are formal documents, but they should be written in a way that is informative and helpful for learners. Annex 1 provides a content checklist and also lists the steps that LEAs should consider when preparing a Statement. In response to requests from LEAs, Annex 2 contains examples of good practice, sourced from a selection of LEAs' Transport Policy Statements. The guidance in these annexes is not intended to be used strictly as a template, but rather as a tool to help with the process of developing fit for purpose Statements.

11. LEAs should include a statement to evidence how and with whom they have consulted in the development their Transport Policy Statements. The advice at paragraphs 18-24 of this Guidance and the check list at Annex 1 provide further details of the range of partners who should be involved in the development of Transport Policy Statements.

12. Transport Policy Statements should:

- be stand-alone documents prepared specifically for learners aged 16-19 years old;
- outline the transport provision made for learners aged 16-19 in the LEA area, including learners who have reached 19 but are on a course which started prior to attaining that age;
- include details of all local transport provision supported or made available by LEAs and their partners;

- describe any financial support available to learners in connection with transport needs, provided by the LEA and from other sources;
- provide details of how and when applications for assistance with transport must be made and include an exemplar application as an appendix to the statement;
- include simple maps of main areas of population, showing learning institutions together with the availability of cycling, walking, bus and train routes and services serving local colleges, sixth forms and significant providers of off-the-job elements of work-based learning provision, or contact points where this information can be obtained;
- include information about fares/charges and any concessions, discounts, etc. that apply, or contact point where this information can be obtained. This is particularly important in the case of learners who do not qualify for free or subsidised travel under the arrangements made by the LEA. Where no discounts or concessions are available this should also be stated;
- details of when concessionary passes can be used;
- include contact details for learners to obtain further information, tickets or passes (e.g. Traveline Cymru on 0870 6082608); and
- where there are no services or gaps in services, indicate any support that will be available to help learners to travel. For example, purchasing or subsidising mini bus services, Dial-a-Ride, working with Community Transport providers, or the provision of bicycles, etc.

13. In preparing a Statement LEAs should take account of:

- the needs of learners who could not otherwise access and complete post-16 education or training without transport provision;
- the need to provide learners with reasonable opportunities for choice between establishments, and permit learners to travel across LEA boundaries where learning opportunities are not available locally, e.g. specialist land-based provision;
- the length of a learner's day. Vocational courses and trainee placements often extend beyond the traditional school day. Transport policy statements should take account of the needs of those students/trainees travelling outside of peak passenger times;

- the costs of travel against available and appropriate alternatives, (e.g. residential provision or purchasing of bicycles etc);
- the length of journey, route and flexibility of travel relevant to the course;
- preferences with regard to the accessibility of Welsh medium education; and
- religious preferences with regard to the accessibility of denominational provision.

14. In general, learners should be supported in relation to their financial circumstances, subject to the overall availability of resources for assistance with transport costs. Where learner support is assessed as necessary to enable individuals to access or complete their courses, this may be made available by way of discounts, subsidies, travel cards or passes, or as cash. To make the best and most equitable use of resources, LEAs should consider whether a charging policy is appropriate. Any spare capacity on services may be utilised by other learners or the wider public and may be subject to charges as the LEA deems appropriate.

Further Considerations for Learners with SEN

15. Transport Policy Statements must specify what transport arrangements are available for learners with learning difficulties and/or disabilities¹. Such arrangements should be as favourable for learners receiving education or training in establishments other than LEA-maintained schools as they are for pupils of the same age at such schools, to ensure equality of opportunity/outcome. Good practice suggests that LEAs and their partners should provide transport support for learners with SEN until at least the age of 21, and ideally up to 25, wherever possible.

16. In addition, where a child has a statement of SEN, the transport needs of that child may in exceptional circumstances be stated in Part 6 of that SEN statement under Non-Educational Provision. This then gives the parent the right to expect that transport support will be provided as set out in the SEN statement, provided that the

¹ Section 1 of the Disability Discrimination Act 1995 provides a definition of a person who has a disability, and section 13 of the Learning and Skills Act 2000 the definition of a person who has a learning difficulty. Assessment of transport needs should normally be carried out by the LEA. This would include an assessment of the most appropriate type of transport, the need for specialist equipment and the need for escorts.

child is still in LEA-maintained education. Good practice suggests that LEAs and their partners should also continue to have regard to the needs of learners after their statement of SEN has ceased. For further details on this and other issues related to Special Educational Needs, see the SEN Code of Practice for Wales.

Publication of Transport Policy Statements

17. LEAs will wish to consider what methods of publication will be best suited to the needs of the audience and make arrangements accordingly. Details of how the Transport Policy Statements will be published and made available to stakeholders should be included within the Statement.

18. Publication on the relevant section of the LEA's website will often be an appropriate way of making the statements available (see section 6 of the checklist at annex 1). Should this be the case, LEAs are requested to provide details of the specific web link when submitting their Transport Policy Statements to the appropriate DELLS Regional Office.

19. LEAs should ensure that all stakeholders receive copies of its Policy Statement. In addition the published Statement must be submitted to the Assembly Government on or as soon as possible after publication on 31 May 2007. Contact details of the DELLS Regional offices are provided at the front of this guidance for this purpose. LEAs are advised that DELLS Regional teams would be pleased to comment on draft statements received prior to 31 May 2007 in order that assistance with interpretation of the guidance may be provided.

Partnership Working

20. LEAs are responsible for preparing Transport Policy Statements and publishing them, but it is paramount that LEAs work with partners on statement preparation and any subsequent changes

² Welsh Office Circular 19/95 on Home to School Transport states that if LEAs wish to change their transport policy, they should carry out adequate consultation with schools, and parents of pupils likely to be affected by any proposals to withdraw or reduce their provision under that policy, before reaching a decision. It is also desirable for authorities to change their transport arrangements only at the beginning of a school year and for amended policies to be applied to pupils only as they change school. The guidance also makes clear that it would not be desirable for amended policies to be applied to new pupils if their parents were not informed of the amended policies at the time their application was accepted.

proposed during the academic year. Welsh Office Circular 19/95 on Home to School Transport gives guidance on good practice for LEAs should they need to change their policy on transport provision². Co-operation is essential to achieve the aims of the Act, to secure fairer, more efficient, transport support for learners. LEA partners will include FEIs, 14-19 Networks, schools with sixth forms, and work-based learning providers (see Annex 1 section 1). This list is however not exhaustive.

21. LEAs should ensure that the relevant 14-19 Network are involved in development of the statement. 14-19 Networks are groups of strategic organisations, learning providers and learners within a local authority. The statement should support the strategic and collaborate approach taken by the local 14-19 Network to ensure learners have access to all six elements of Learning Pathways at age 14-19, namely Individual Learning Pathways, wider choice and flexibility, learning core, learning coach, personal support and careers advice and guidance. Individual learning settings are expected to collaborate to secure a broad and balanced range of opportunities, from which learners can develop a balanced learning pathway which meets their individual needs. The statement should support innovative solutions to transport arrangements that ensure learners are able to access appropriate learning to meet their needs and aspirations.

22. LEAs should also consult all schools, FE colleges, work-based learning providers, and neighbouring LEAs. Effective engagement with neighbouring LEAs and 14-19 Networks is important to ensure proper planning across boundaries.

23. LEAs will also wish to take account of any special projects they or stakeholders undertake to involve learners aged 16-19 in learning through community-based activities and consider the transport needs of such learners when drawing up statements.

24. In drawing up statements, LEAs should take account of support arrangements and policies put in place by DELLS. LEAs should note that DELLS will continue to build upon ELWA's approach with regards to the planning of provision and the creation of a more effective and efficient post-16 sector. LEAs should continue to liaise with their DELLS contact on these matters.

25. School and College governing bodies have a duty to co-operate with LEAs and provide them with such information as they might reasonably require. Providers of work-based learning,

including employers offering work-based learning placements and apprenticeships, are encouraged to do likewise. FEIs should continue to provide FCFs to assist learners with travel arrangements, either directly or through third parties. These funds may be used to finance either block or individual support arrangements. The amount of funding used for this will be at the discretion of individual FEIs following consultation with DELLS. FCFs are not intended to be a replacement for, or to subsidise, existing funding support from LEAs. FE institutions must ensure that sufficient FCFs remain available for learners who need help with other costs such as books and equipment and for adult learners who fall outside the scope of LEA funding. HEFCW funding is available for FE students studying at HEIs who need help with transport or other costs.

26. The existence of transport policy statements and the process of drawing them up should assist in recognising and addressing differences in approach to subsidy or charging between learners in different settings. To the extent that common approaches can be agreed or identified it should also be possible to seek efficiency savings and environmental benefits, by creating the scope for shared contracts with transport operators and by eliminating duplication of provision including use of spare capacity on school transport provision for compulsory aged pupils.

Local Transport Plans

27. Transport support and services for learners aged 16-19 must also be reflected in Regional Transport Plans. The next round of Regional Transport Plans are due in March 2008. LEAs should ensure that they liaise with colleagues in the local authority transport section and the relevant Regional Transport Consortium so that consideration is given to:

- inclusion of partnership bids for transport for learners in the next Regional Transport Plan;
- ensuring that the policy statement for learner transport support and services becomes part of the overall plan at its next revision.

Compliance

28. LEAs will need to ensure that their policy statements comply with the legislation and that in preparing the statements, they have regard to this and any future guidance provided by the National Assembly for Wales. LEAs should consult their own legal advisers for advice on how to meet their legal obligations. Where LEAs fail to comply, they could face legal challenges from learners or their parents. In addition, the National Assembly for Wales may direct LEAs, in accordance with powers under section 509AA(9) of the Education Act 1996, to make arrangements for provision of transport or financial assistance for transport which are not specified in the statement.

29. Timetable

1 March 2007	Assembly Government issues guidance to partnerships for 2007/08.
March-May 2007	DELLS Regional Teams available to provide support to LEAs with the interpretation of the guidance.
31 May 2007	LEAs publish transport policy statements and disseminate to partners. Electronic and hard copy statements should be submitted to the appropriate DELLS Regional Office for monitoring purposes.

Further Information

30. If you require any further information, or clarification of any issues in this circular, please do not hesitate to contact the appropriate DELLS Regional Office.

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2007-2008
March 2007
Circular No: 05/2007

1. Consultation with partners.

When producing a Transport Policy Statement, LEAs are required to consult with partners, which should include:

- a. Unitary Authority Colleagues i.e. Transport Dept, Education Dept. etc;
- b. Regional Transport Consortia;
- c. Schools with sixth forms;
- d. Further Education Institutions;
- e. Higher Education Institutions offering Further Education Provision;
- f. Work-based Learning providers*;
- g. 14-19 Networks;
- h. Diocesan Education Departments;
- i. Young Peoples Partnerships (YPPs);

** Details of WBL providers may be obtained from DELLS Regional teams*

Statements should include the following:**2. Transport Provision:****i. General**

- a. Statement of LEAs transport policy for learners aged 16-19;
- b. Details of transport provision available from other sources e.g. most significant local transport links and/or FEI provided free busses etc;
- c. Details of criteria for eligibility for free bus passes e.g. will learners be means tested or must they be on benefits, and will they be issued with passes or travel cards;
- d. Details of any other financial support available and eligibility for assistance;
- e. Details of support available for learners not eligible for free transport such as Concessionary fares, discounts or subsidies;
- f. Details of how and when to apply for assistance with transport including an exemplar application form;

2. Transport Provision (Cont'd):

- g. Details of support available to learners who reach 19 whilst continuing on a course;
- h. Details of support for transport outside the LEA's area;
- i. Details of help for learners who attend a venue beyond daily travelling distance and need to stay away.

ii. For learners with Special Educational Need

- a. Details of support/transport arrangements available for students with Special Educational Needs (SEN);
- b. Details of additional training provided/available to assist learners who face difficulty with transportation e.g. provision of mobility/independence training.

3. Fares:

- a. Details of any concessionary fares and who provides them;
- b. Details of any discounts and who provides them;
- c. Details of subsidies and who provides them;
- d. Details of travel cards and who provides them;
- e. Details of any travel cost to learners and who they are payable to;
- f. Details of when learners may use travel passes and obtain concessionary fares.

4. Travel times:

- a. Local transport providers' schedules (including train times where relevant to learner travel) or point of contact where this information can be obtained;
- b. Bus route maps, or points of contact where this information can be obtained.

5. Contacts

Statements should include details of all points of contact for learners seeking transport support (including website and e-mail addresses):

- a. LEA contacts;
- b. College contacts;
- c. Local Transport contacts;
- d. Traveline Cymru.

6. LEAs should also consider how to publish statements and make learners aware of them. Good practice suggests:

- a. the internet - e.g. LEAs website and/or search engine links or links on newsletters, electronic application forms etc;
- b. Schools with sixth forms (electronic and hard copies);
- c. FEIs (electronic and hard copies);
- d. HEIs that provide FE Courses (electronic and hard copies);
- e. Transport information offices (hard copies).

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GOOD PRACTICE GUIDE

The examples in this annex are provided as suggestions of good practice sourced from a selection of LEAs' Transport Policy Statements. They are provided as suggestions but are not intended to be used verbatim.

A. Language:

Use language suited to the learners and their parents/guardians. Refrain from legal jargon.

Good practice example:

Transport will be made available for full time students aged 16–19 who live 3 miles or more from the nearest secondary school or FEI site within [name of authority] offering post 16 education. Transport is not normally provided from home but from an approved pick up point. Transport for A/AS/GCSE level courses is not normally provided for learners travelling outside [name of authority] (but see Section [Y] below for further information on provision available to learners travelling outside [name of authority]).

B. Layout:

Statements should be laid out simply and clearly so that learners and/or their parents/guardians can find relevant information with ease. Headings and sub-headings should be used perhaps with questions posed from the learners' point of view.

C. Content:

Statements should state clearly what transport provision is available for learners. For example when outlining provision for learners with Special Educational Needs, LEAs should refrain from making statements like '*appropriate or suitable transport will be provided for learners with Special Educational Needs*' and should endeavour to specify details, or refer learners to relevant contacts for further information.

Good practice example:

Pupils or students who have severe medical conditions that seriously affect their mobility may be provided with transport even though they do not meet the distance or educational criteria. In all cases, the request must be supported by medical evidence and will be subject to review by the school medical officer and/or the Chief Education Officer.

In determining the mode of transport required the following principles will apply:-

the need for specialist transport;

the special educational needs of the pupil or student as defined in their statement.

Statements should include details of other assistance available for learners with Special Educational Needs, such as mobility/independence training or provision of an escort. In cases where LEAs do not provide this assistance directly, Transport Policy Statements should nevertheless include information about alternative sources of help.

Good practice example:

An escort may be provided by the LEA for pupils with a statement of Special Educational Needs. Provision of escorts will take place after consideration by relevant officers of the individual needs of the pupils or group of pupils and the nature of the transport available. Contact xxx on yyy yyyy for details of eligibility and how to apply.

D. Bus Timetables/Schedules and Route Maps

Statements should include or provide clear guidance to where information can be found about:

- relevant colleges and where they are located, so that learners can make a better informed choice of college;
- bus timetables/schedules; and
- bus routes maps.

Timetables/schedules/maps should be for all providers of transport to all institutions of further learning within the LEA's area, i.e:

- schools with sixth forms;
- Further Education Institutions;
- Higher Education Institutions offering further education training; and
- work-based learning providers.

Where bus timetables/schedules and route maps are only available from the establishment(s) concerned, LEAs should include contact details for learners to go to, in their Transport Policy Statements.

Good practice example:

[Insert name and address of College]

Situated in the heart of [XXXX] town centre. There are [Z] no. of campuses, one on [d] Park Road in the centre of [X] and another half a mile away on [E] Road (shown on the map below) where the [Engineering and Construction] courses take place. The College also has some 13 outreach centres, many based in local schools, which have programmes of day-time and evening courses [include contact where further information about these programmes can be obtained].

There is a comprehensive network of public transport services operating regular and frequent timetables into the modern bus station facility on [K] Street - a mere five minutes walk away from the college.

Details of these services are available by contacting [S] BusLine on ☎ [insert number] between the hours of [0845 and 1700 Monday to Friday and 0845 and 1300 on Saturday], website - [insert link to web site]. Alternatively Traveline Cymru can give bilingual information on local and national bus, coach and train services, contact ☎ 0870 608 2 608 between 0700 and 2200 each day (except Christmas Day) - website - www.traveline.org.uk.

Further information on courses, transport and details of a general nature can be obtained in the following ways:-

<i>Telephone</i>	<i>[insert tel. Number]</i>
<i>Text Phone</i>	<i>[insert tel. Number]</i>
<i>Fax</i>	<i>[insert tel. Number]</i>
<i>Web site</i>	<i>[insert web site]</i>
<i>E Mail</i>	<i>[insert e mail address]</i>

**Example Bus Time Table:
Route 621**

**Olchfa Comprehensive from Murton, Bishopston,
Pennard & Three Crosses**

Operator: Airport Express/Let's Go Travel
Unit 1, Aztec Centre
Swansea West Industrial Park
Fforestfach
SWANSEA SA5 4DJ

Tel: 01792 585400

Capacity: 29 seats

Morning Timetable

Murton, Copley Lodge	0748
Murton, Post Office	0750
Bishopston, Valley Hotel	0754
Kittle, Beaufort Arms	0756
Pennard Cliffs	0802
Pennard Primary School	0805
Pennard Church	0807
Tirmynydd Road, Three Crosses	0815
Three Crosses (Joiners Arms)	0818
Dunvant Road (Killan Fawr Farm)	0821
Olchfa Comprehensive, Aneurin Way	0835

Afternoon Timetable

Olchfa Comprehensive, Aneurin Way	1540
Murton, Copley Lodge	1632

Specified Route

Mayals Road (Jcn. Copley Lodge), Murton Green, Oldway, Pyle Road, Bishopston Road, Northway, Pennard Road, Southgate Road, Pennard Cliffs, Southgate Road, Pennard Road, Vennaway Lane, A4118, B4271, Tirmynydd Road, Joiners Road, Dunvant Road, Killan Road, Dunvant Road, Goetre Fawr Road, Gower Road, (PM Aneurin Way, Parkway, Gower Road), Olchfa Comprehensive School.

Special Instructions

Observe all Bus stops and recognised pick up points as far as Dunvant Road (Killan Fawr Farm).

Bus Passes must be checked on all journeys.

